

REMARKS

Amendment to specification

Applicant amends the first paragraph of the specification to include the missing application serial number.

Drawings

Applicant submits formal drawings to replace the originally filed drawings.

Change of address

Applicant's attorney filed a revocation of power-of-attorney and a new power-of-attorney on July 2, 2003. However, the office action was sent to the earlier attorney-of-record, thereby causing an unnecessary delay in prosecution.

Applicant requests that further communication from the Patent Office be sent to the address below.

Section 102 rejection

The office action draws attention to *Winston*¹ as anticipating the independent claims. In particular, the office action draws attention to a first reflector **38**, shown in FIG. 4, and a second reflector **103** shown in FIG. 12A.

With regard to the first reflector **38**, Applicant points out that this reflector is contained in an embodiment that has only a single optical fiber **30**. The claims, however, all recite at least two fibers: a delivery fiber and a collection fiber. It is unclear how the disclosure of a catheter having a single fiber **30** can anticipate a claim that recites a catheter having two fibers.

The second reflector **103** is associated with an embodiment having two fibers. An off-axis fiber directs light to the reflector **103**, which then reflects it radially outward. A center fiber

¹ *Winston*, U.S. Patent No. 5,916,210.

passes through the reflector 103. This is apparent both from inspection of the figure, and the accompanying text, which states:

"The other fiber 30 extends through the reflector 103 and directs its laser beam forwardly along the catheter axis."²

The center fiber, therefore, cannot be said to have its "distalmost end arranged adjacent said second reflective surface" as required by claim 1. As a result, the structure shown in FIG. 12A cannot anticipate the claimed invention.

The remaining independent claims each have a similar limitation. Accordingly, the foregoing argument applies to those claims as well. Claim 1 and the remaining independent claims are therefore allowable over the cited art. The dependent claims all contain the limitations of their respective parent independent claims, and are therefore allowable for at least the same reason.

No additional fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050, referencing attorney docket number "12258-032001."

Respectfully submitted,

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² *Winston*, col. 7, lines 45-47, [emphasis supplied].